

REMARKS

Claims 1, 2, 5, 6, 10, 14 to 16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimoda (JP 2004-046282). Claims 3, 4, 7, 8, 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoda alone or in view of various combinations of Matsuno et al. (JP 2003-248130 A), Gao et al. (U.S. Patent No. 6,917,749), and Ohashi et al. (U.S. Patent Application Publication No. 2005/0265685).

The publication date of Shimoda, February 12, 2004, is between the filing date of the present application, March 11, 2004, and the foreign priority date claimed in the present application, March 12, 2003. In order to overcome the rejections of the claims and remove Shimoda as a reference, applicants are perfecting their claim to priority by submitting herewith an English language translation of the Japanese priority application, JP 2003-65888, and a statement (declaration) that the translation is accurate.

Claims 1 to 8, 9 to 19, 20 to 24 and 25 to 26 of the present application correspond to claims 1 to 8, 13 to 23, 26 to 30 and 34 to 35, respectively, of the priority application.

Applicants note for completeness that Ohashi et al. (US 2005/0265685), cited in the 35 U.S.C. § 103(a) rejection of claims 7 and 8, is not a proper reference against these claims because it

is not entitled to the filing date of the international application, PCT/JP03/10038, of which it is the U.S. national stage application. Also, perfecting applicants' claim to priority also removes Matsuno et al. (JP 2003-248130 A), cited in the 35 U.S.C. § 103(a) rejection of claim 3.

Removal of the 35 U.S.C. 102 and 103 rejections of the claims is believed to be in order and is respectfully requested.

As indicated in the Election of Species Requirement dated November 18, 2005, claim 1 is generic to all species of the present application. Claim 1 is in condition for allowance and, therefore, rejoinder of withdrawn claims 9, 11, 12, 17 to 20, 22 to 24 and 26 is believed to be in order and is respectfully requested. Since these claims depend directly or indirectly on claim 1, they are *prima facie* patentable in view of the allowability of claim 1.

The foregoing is believed to be a complete and proper response to the Office Action dated November 3, 2006, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of

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RESPONSE UNDER 37 C.F.R. § 1.116

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time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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Attachments: English language translation of JP 2003-65888 and
declaration